INVESTIGATIVE SUMMARY

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USE OF FORCE -
CANINE DEPLOYMENT - SUSPECT HOSPITALIZED
FO 2129540
404–16497-1132-064

DATE:	August 27, 2004 (Friday)
TIME:	1530 hours
LOCATION:	4th Street East, Lancaster

SYNOPSIS

On August 27, 2004, at approximately 1530 hours, Lancaster Sheriff Station's Desk was contacted by an informant who stated that she was following her brother's stolen vehicle. This information was broadcast to Lancaster patrol units. Deputy Guillermo Martinez (Unit 111K) was driving east on Lancaster Blvd. when the stolen vehicle passed by him, driving west. Martinez initiated a U-turn and attempted to catch the stolen vehicle. The suspect (later identified as Turhan Butler) accelerated and attempted to turn left on Foxton Ave. Butler, who was unable to complete his turn, stopped the vehicle at the southwest corner of Lancaster Blvd. and Foxton Ave. Martinez activated his red lights to detain the vehicle's occupants. Butler exited the vehicle and ran north through an alley, south of Lancaster Blvd.

Deputy Martinez initiated a broadcast, reporting the driver's (Turhan Butler) description and last known direction of travel. Martinez also detained a female passenger (later identified as Witness). A containment was established and Sheriff's Aero unit #29, as well as SEB Canine unit 240K93, Deputy Casaus, responded.

Deputy Casaus contacted SEB Canine Sergeant Jack Mayer and told him a stolen vehicle suspect ran from a confirmed stolen vehicle and was actively evading deputy personnel. Based on this information, Sergeant Mayer authorized a canine deployment. Via the public address system, Deputy Casaus played prerecorded canine announcements both in English and Spanish, throughout the containment. After waiting for approximately ten minutes, and receiving no reply, a search team consisting of Deputy Casaus, his canine "Rex" and several Lancaster Deputies was organized.

After searching several locations, deputies went to 4th Street East. Once there, a sheriff's air unit advised Deputy Casaus that he had seen a male Black who matched the suspect description in the rear yard of the location. Deputy Casaus contacted the resident who stated she saw an unknown male at her back door. After checking the rear yard and the laundry room, and not finding anyone, Casaus checked a side garage door. Although the side door was locked, a lower lock on the door appeared to have been recently damaged. A female resident at the location stated that the door was not damaged earlier and gave Deputy Casaus permission to search her garage. Casaus then forced the garage door open. The garage had no lights, contained a blue van, and was cluttered with items. Casaus made several announcements for the suspect to surrender. He then waited for approximately one minute before deploying his canine (Rex) to search the garage.

Rex entered the garage, walked east, went around the van, and out of view. Suddenly a male (Suspect Turhan Butler) yelled "Okay, Okay, Mercy, Mercy." The garage was so cluttered that Deputies could not see inside it, nor could they safely walk around to the other side of the van. Deputy Casaus directed deputies to open the large garage door to afford them better visibility and room to safely approach the suspect. Butler was found hiding under a workbench. Deputy Casaus saw that his canine was biting Butler's lower left leg. When ordered to show his hands Butler initially refused, but then complied. Butler then moved his hands, placing them back under the workbench. Casaus told him he would use a "Taser" on him if he didn't comply. Butler complied and Casaus removed his canine (Rex) from the bite. Butler did not comply when ordered to crawl out from underneath the workbench. Lancaster Deputies had to drag him out by his feet, where he was handcuffed without further incident.

Suspect Butler sustained a canine bite to his right lower leg and a long scratch to his upper left thigh. Los Angeles County Fire Paramedics Engine Company #33 responded and treated Butler. Butler was transported to Antelope Valley Hospital in Lancaster. He was examined by Doctor Lawrence Stock, who stated that Butler had muscle and ligament damage and would require surgery. Butler was then transported to Lancaster Community Hospital where he underwent surgery for his injuries. He was given an "Okay to Book," taken into custody, and housed at Twin Towers Correctional Facility Medical Ward.

INVOLVED PERSONNEL

Casaus, Steven, Deputy #	MH/42	508"	180

Office of Homeland Security
Special Enforcement Bureau/ Canine Services Detail

Date of Employment:	07/18/84
Date assigned to Custody:	
Date completed custody training:	
Date assigned to Patrol:	
Date of Current Assignment:	08/96
Prior Founded Force Incidents:	NONE

SUSPECT/INMATE:

Butler, Turhan BK # 8254086	MB/39	509"	180

Arrest History:

WITNESSES:

FB/45 DOB:

Cell Phone #

MW/ DOB:

Home Phone:

FW/ DOB:

Home Phone:

FW/ DOB:

Home Phone:

INVOLVED EMPLOYEES STATEMENTS:

DEPUTY CASAUS:

Deputy Casaus is assigned to the Los Angeles County Sheriff's Department's Special Enforcement Bureau as a Canine Handler. On August 27, 2004, Deputy Casaus wrote a supplemental crime report documenting the incident, the canine deployment, and use of force. The following is a summary of that report:

Deputy Casaus stated that he responded to Lancaster Sheriff's Station after receiving a request for a canine unit. Upon his arrival he was advised by the handling deputy, Deputy Martinez, that the driver of a stolen vehicle had fled from the scene on foot and that he (Martinez) was detaining the passenger. Martinez additionally stated that Los Angeles County Sheriff's Department airship "Air 29" responded to his emergent broadcast very quickly (one minute) and established a containment. Martinez described the driver as a male Black and gave his last seen direction. Witnesses indicated the suspect ran south over fences and through rear yards and across Lingard Avenue toward Fourth Street East, and out of view.

Deputy Casaus stated that because the suspect ran from Deputies while driving a stolen vehicle, into a residential area, affording him numerous places to hide and giving him a tactical advantage from searching Deputy personnel, he felt it was safest for the public and deputies to use his police dog "Rex" to conduct the search. Deputy Casaus contacted Sergeant Jack Meyer (SEB Canine Sergeant) and advised him of the above information. Sergeant Meyer approved the deployment of a police dog. Prior to deploying the police dog, canine announcements were played (via a Sheriff's radio car public

address system) from a prerecorded tape in both English and Spanish. The announcement advised both the public and the suspect that a police dog was going to be used. It also advised the suspect to surrender. Casaus waited approximately ten minutes and received no response from the suspect.

After searching several locations, Deputies went to 4th Street East. Once there, a Sheriff's air unit advised Deputy Casaus that he saw a male Black, matching the suspect description, in the rear yard of the location. Deputy Casaus contacted the resident who stated that she saw an unknown male at her back door. After checking the rear yard and the laundry room, and not finding anyone, Casaus checked a side garage door. Casaus stated that although the side door was locked, the door and a lower lock on the door appeared to have been recently damaged. A female resident at the location stated that the door had not been damaged earlier and gave Deputy Casaus permission to search her garage. Casaus then forced the garage door open. The garage was a single car garage, had no lights, contained a blue van, and was cluttered with items.

Casaus made several announcements for the suspect to surrender. He then waited for approximately one minute, before deploying his canine (Rex) to search the garage. Rex entered the garage, walked east, traveled around the van, and out of view. Suddenly a male (Turhan Butler) yelled "Okay, Okay, Mercy, Mercy." Because the garage was cluttered, Deputy Casaus directed deputies to open the large garage door to afford them better visibility and room to safely approach the suspect. The suspect was secreted under a workbench. Deputy Casaus saw that his canine was biting Butler's lower left leg. When ordered to show his hands the suspect initially refused, but then complied. Butler then moved his hands, placing them back under the workbench. Casaus told Butler that he would use a "Taser" on him if he didn't comply. Butler complied and Casaus removed the canine (Rex) from the bite. Butler did not comply when ordered to crawl out from underneath the workbench. Lancaster Deputies had to drag him out by his feet, where he was handcuffed without further incident.

IAB NOTE: Deputy Casaus stated in his report (Exhibit B - Deputy Casaus Supplementary report), that his canine "Rex" was on the bite for approximately 45 to 55 seconds.

Suspect Butler sustained a canine bite to his lower right leg and a long scratch to his upper left thigh. Los Angeles County Fire Paramedics Engine Company #33 responded and treated Butler. Butler was transported to Antelope Valley Hospital in Lancaster. He was examined by Doctor Lawrence Stock, who stated that Butler had muscle and ligament damage and would require surgery. Butler was then transported to Lancaster Community Hospital where he under went surgery for his injuries. He was later given an "Okay to Book."

SUSPECT STATEMENTS

SUSPECT BUTLER

On September 02, 2004, Internal Affairs Bureau Sergeant Key drove to Twin Towers Correctional Facility Medical Unit, and interviewed Suspect Butler. The following is a summary of that interview:

Suspect Butler stated that on August 27, 2004, Deputies were pursuing him. He ran from them and hid in a garage. While hiding in the garage he heard a deputy make an announcement that if he did not come out he would send a dog in. Butler then heard a dog barking. Butler said that he was hiding inside the garage, behind a car, underneath a bench and behind some boxes. I asked Butler why he did not come out. He began to laugh and said, "I thought I was hid good." I asked him if the dog had not found him, if a person could have found him. He said, "it was a fifty fifty chance."

Suspect Butler stated that as soon as the dog bit him he immediately said, "I give." An officer told Butler that he could not see his hands. Butler said that he displayed both of his hands for the officer to see, but the dog continued to bite him. The officer then said something to the dog and the dog became more aggressive. Butler said that he is not sure what the officer said, because the officer was not speaking English. I asked Butler if he kicked or touch the dog. He said he did not, but that once the dog became more aggressive, he brought his hands down to hold his thigh. Butler said that the canine was biting him on his right calf. The officer told him that he was not going to remove the dog until he could see both of his hands. Butler then showed the officer both of his hands. After a couple of minutes the officer removed the dog. I asked him if it was a couple of minutes or did it seem like a couple of minutes. He said it was a couple of minutes because the dog bit him, released his grip, and then reestablished his gripped. After the canine was removed, officers dragged him out of the garage. I asked him how long was it before the ambulance arrived and provided him with assistance. He said about ten minutes. He further stated that he was taken to a medical facility and received medical care.

WITNESS STATEMENT

On October 28, 2004, I (Sergeant Key) spoke to Witness on the telephone. The interview was recorded. stated that she resides at 4th Street East, Lancaster, which is the location where Suspect Butler was apprehended. I asked witness if she recalled the incident of August 27, 2004, when Deputies responded to her home. She stated that she did. The following is a summation of the interview:

Witness stated that Deputies were on her street searching for someone. She noticed that an unidentified male was hiding in a tree in her front yard. She heard deputies making announcements that they had a canine. Deputies came to her home, but the unidentified male in the tree was gone. Deputies told her they needed to perform a search of her property. said that the Deputies asked her to put her dogs up before they searched her back yard. After searching her rear yard, Deputies asked her about her locked garage door, which had been damaged. She stated that she was not sure if her rear garage door was locked but provided them with a key to the garage door and to the laundry room. The deputies attempted to open the garage door with the key, but it did not work. Deputies then forced the garage door open.

Witness stated that she heard Deputies make several announcements, in which they told the suspect to come out or they would send the dog inside. I asked her if she heard the dog bark after the deputies made their announcement. She said that she did. She further stated that the Deputies

gave the suspect numerous opportunities to come out of the garage, before the dog was sent inside. said that there were numerous people inside her home and that they also heard the announcements. stated that once they let the police dog inside she heard someone scream. noticed the Deputies opened the main garage door facing the driveway. She stated that she does not know what happened after that because she closed her door and remained inside her home.

> **IAB NOTE: The interview with Witness was conducted over her cellular phone, while she was driving in her car. Her house phone is inoperative; therefore, others who may have been in her home and heard the announcements were not contacted.**

WITNESS

On November 01, 2004, I (Sergeant Key) spoke to Witness on the telephone. The interview was tape recorded. The following is a summary of that interview:

I asked Witness if he recalled an incident that occurred on August 27, 2004, involving a police dog. He stated that he did. I asked him to tell me what he could recall. stated that he saw the suspect jump out of his car after crashing it into the curb at Lancaster Ave. and Foxton ave. watched the suspect run from the vehicle in an easterly direction, jump a fence, run north and hide.

Witness stated that he saw a police helicopter arrive and watched squad cars block intersections. Deputies went through the neighborhood and made announcements, in both English and Spanish. said that the Deputies announced they had a canine unit, and that they would send the dog out to look for the suspect, and for the suspect to come out with his hands up. stated that the announcements were made numerous times. Eventually deputies told the suspect "this was his last warning"; however, said that the last warning went on for approximately thirty minutes before the canine was deployed. stated that the canine was deployed and the suspect was bitten because he would not give up.

I asked Witness where was he located during the incident. He stated that he was on Foxton Ave. and a street he could not remember the name of; however, he did say that the street is next to Lancaster Blvd. stated that when the canine bit the suspect he was standing about three houses away. said that the officers were extremely courteous and professional. I asked how long did it take paramedics to respond after the suspect was removed from the garage. He said about five minutes.

WITNESS

On November 01, 2004, I (Sergeant Key) spoke to Witness on the telephone. The interview was tape recorded. The following is a summary of that interview:

Witness stated that she recalled the incident that occurred on August 27, 2004. She stated that a man was driving a car and made a quick turn down the street. The Sheriffs tried to stop him but

he ran and jumped over several fences. Deputies arrived and for approximately thirty to forty-five minutes made announcements that they had a canine and asked him to surrender. stated that she was at home, in her front yard, at the time of the incident. She said that she lives a block and a half away from where the suspect was apprehended. She did not actually see the suspect, but stated she did see a shadowy figure jumping over fences. I asked her how she knew he ran. She stated that the suspect was running toward her.

WITNESS

On November 01, 2004, I (Sergeant Key) spoke to Witness on the telephone. The interview was tape recorded. The following is a summary of that interview:

Witness stated that at the time of the incident she had just returned home from shopping and noticed several police cars on the street, and a police helicopter flying over head. stated that she heard the police helicopter making announcements over a loud speaker. The announcements were made in both English and Spanish and stated that there had been an incident and requested everyone to go inside. also stated that the announcements said "Please give up now! If you do, we will not set the dog out, but if you don't we will set the dog out, and you will be bitten."

INJURIES:

Suspect Butler sustained a canine bite to his lower right leg and a long scratch to his upper left thigh. Los Angeles County Fire Paramedics Engine Company #33 responded and treated Butler. Butler was transported to Antelope Valley Hospital in Lancaster. He was examined by Doctor Lawrence Stock, who stated that Butler had muscle and ligament damage to his right lower leg and would require surgery. During his interview with Sergeant Mayer, Butler stated that he did not know how he acquired the scratch on his upper right thigh. Butler was transported to Lancaster Community Hospital where he underwent surgery for his leg injuries. He was later given an "Okay to Book," taken into custody, and housed at Twin Towers Correctional Facility Medical Ward.

PHYSICAL EVIDENCE:

Suspect Butler's medical records are being held at Twin Towers Correctional Facility Medical Ward. Butler signed a medical waiver authorizing the release of his medical records as they relate to his injuries.

No physical evidence is being held or analyzed by the crime lab.

IAB NOTE: Exhibit E - Subject Butler's medical records from the Los Angeles County Sheriff's Department Health Information Management Unit.

Exhibit F - Subject Butler's medical records from Lancaster Community Hospital.

INVESTIGATOR OBSERVATIONS:
No observations

WEAPONS USED BY DEPUTY PERSONNEL:
A Los Angeles County Sheriff's Department canine was deployed.

WEAPONS USED BY SUSPECTS
None